

An Ordinance By
Councilman Lee Morris

AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAY OF HIGHLAND DRIVE, SAID PORTION BEING FROM PEACHTREE ROAD EAST APPROXIMATELY 310 FEET, 17,313 SQUARE FEET IN AREA, LYING WEST OF PARK DRIVE, IN LAND LOT 61, 17TH DISTRICT, FULTON COUNTY, GEORGIA, AND FOR OTHER PURPOSES.

WHEREAS the City of Atlanta has received a petition to abandon a portion of the right-of-way of Highland Drive, said portion being from Peachtree Road east approximately 310 feet, 17,313 square feet in area, lying west of Park Drive, in Land Lot 62, 17th District, Fulton County, Georgia; and

WHEREAS the Commissioner of the Department of Public Works has determined that said petition is complete and that the required application fee has been paid to the City of Atlanta; and

WHEREAS the petitioners are the sole property owners of the land abutting the portion of right-of-way proposed to be abandoned and petitioners will utilize the abandoned portion of said street right-of-way for commercial purposes; and


WHEREAS the abandoned street right-of-way shall become a part of the abutting property owners' private property and shall be their responsibility to maintain; and

WHEREAS the petitioners have committed to pay the cost of improvements installed to effectuate the abandonment of the right-of-way as is shown on "Exhibit A" of this ordinance; and

WHEREAS the petitioners agree to purchase from the City of Atlanta at appraised fair market value the street right-of-way to be abandoned.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. That a portion of Highland Drive, beginning from the Peachtree Road east approximately 310 feet. 17,313 square feet in area, lying west of Park Drive, in Land Lot 62 of the 17th District of Fulton County, Georgia, as shown on the attached survey plat marked "Exhibit A", is hereby declared no longer useful or necessary for the public use and convenience.



Section 2. That the City of Atlanta hereby abandons the above described portion of Highland drive with the reservation of permanent easements for the purpose of entering the property to operate, maintain, or replace utility facilities. Easements shall remain in effect until such time as said utilities may be abandoned, removed, or relocated, at which time said easements shall expire.

Section 3. That the requirements of Section 138-9(k)2 requiring a city standard cul-de-sac be waived and that the abandonment be approved in accordance with the attached survey.

Section 4. That the Director of the Bureau of Purchasing and Real Estate is hereby directed to have prepared an appraisal of the fair market value of the street right-of-way to be abandoned.

Section 5. That all costs associated with the appraisal of the subject property and improvements required in Section 7, and that all costs associated with the advertising of this petition for the abandonment shall be charged to and paid from Account Number _____.

Section 6. That upon approval of this ordinance and upon acceptance of the necessary documents by the Department of Public works, the City Attorney, upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, is hereby directed to prepare a Quit Claim Deed for said abandoned street right-of-way.

Section 7. That the mayor is hereby authorized to execute said Quit Claim Deed for the abandoned street right-of-way, all other conditions being satisfied and to require that the existing Highland Drive intersection with Peachtree Road be redesigned and installed as a city of Atlanta Standard Driveway.

Section 8. Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County.



01-C-0824

(Do Not Write Above This Line)

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- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred

5/21/01

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RRC Vote

CERTIFIED

MAYOR'S ACTION